

REMARKS

Claims 1-39 and 46-55 are pending in this application. Applicant's thank the Examiner for the courtesy of the interview conducted on November 10, 2005 concerning this application. The further definition of the invention of the foam encasement extending into the web structure of the foam deck, between the parallel spaced apart panels of the foam deck, was proposed as a patentable definition over the primary reference of Langer et al., U.S. Patent No. 5,787,532. The claims have been accordingly amended, by the incorporation of claim 4 into claim 1, claim 23 into claim 22, claim 27 into claim 26, and claim 48 into claim 46. The other amendments to the claims are made to correct the reference dependencies.

Claims 1-3, 5-7, 9-26, 28-47, 49-53 and 55 are rejected under 35 U.S.C. 102(b) as anticipated by Langer, U.S. Patent No. 5,787,532. The Langer patent does not disclose any type of "foam encasement" as that term is defined in the present application, for example at pages 8 and 9, and as that term is further defined by the claims as amended.

Claims 4, 27 and 48 are rejected under 35 U.S.C. 103(a) as unpatentable over Langer in view of Young, U.S. Patent No. 906,893 and Koenigsberg, U.S. Patent No. 3,010,122. The claims define a "foam deck". Neither Young or Koenigsberg disclose a foam deck with "parallel and spaced apart panels, and a web structure between the panels". Young discloses "flat fabric tubes 6 stuffed with kapok or other appropriate stuffing 7". Young, lines 49-51. Koenigsberg discloses "resilient pads 14" made of flexible sheets 22 and 24 adhesively secured to blocks 20 of foam rubber. Koenigsberg, col. 1, line 65 to col. 2, line 20.


Claims 8 and 54 are rejected under 35 U.S.C. 103(a) as unpatentable over Langer in view of Barber, U.S. Patent No. 5,040,255. These claims define the foam topper which is adhesively attached to a pad (or "insulator pad" in claim 54) which overlies the innerspring (claim 1) or "flexible core" (claim 46). Both claims are subject to the limitations of the base claims 1 and 46 of an innerspring or flexible core, a foam deck and a foam encasement. Neither Langer or Barber, alone or combined, disclose this arrangement of component parts of a mattress.

In light of these distinctions and the amendments to the claims, allowance of claims 1-39 and 46-55 is respectfully requested.

If the Examiner believes there are any further matters that need to be discussed, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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